

REMARKS

Claims 1, 2, 21 and 30-33 are pending. Claims 1 and 21 are allowed. Claim 2 is cancelled herein without prejudice.

Claims 30-33, drawn to diagnostic methods using the protein of claim 1, have been withdrawn from consideration by the Examiner. Withdrawn claims 30 and 32 are proposed to be amended herein, with the amendment to claim 32 replacing reference to cancelled claim 3 with the language "encoding a protein according to claim 1." The amendment language is supported by the language of original claim 3 as filed.

Interview Summary

On March 7, 2008, Applicants' representative Mark FitzGerald was contacted by Examiner Chowdhury, indicating that claims 1 and 21 were allowable, but that claim 2 was going to be rejected as indefinite. Applicants' representative acknowledged the Examiner's offer to allow the claims subject to an instruction by Applicants to cancel claim 2; agreement was not reached.

Rejection under 35 U.S.C. §112, Second Paragraph

Claim 2 is rejected under 35 U.S.C. §112, second paragraph.

While Applicants disagree with the basis for the rejection, cancellation of claim 2 herein without prejudice renders the rejection moot.

Rejoinder

Method claims 30-33 were withdrawn by the Examiner as directed to a non-elected invention. In view of the allowance of composition claim 1, Applicant requests consideration of rejoinder of claims 30-33, which depend from and therefore include all limitations of allowed composition claim 1.

In view of the above, all issues raised in the Final Office Action have been addressed herein. It is believed that all pending claims are now in condition for allowance. Notice to that effect is respectfully requested.

This amendment is accompanied by a petition for 3 months' extension of time and necessary fee, as well as a Notice of Appeal and necessary fee. Should any fee deficiencies be associated with this submission, the Commissioner is authorized to debit such deficiencies to the Nixon Peabody Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted:

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